

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MICHELLE RAE WILSON,

Civ. No. 18-1985 (SRN/BRT)

Petitioner,

v.

ORDER

TOM ROY, Commissioner of
Corrections,

Respondent.

Petitioner Michelle Rae Wilson has filed a motion requesting leave to expand the record, to file a reply, and to appoint counsel. (Doc. No. 13.) The Court will grant Petitioner leave to file a reply, as it did in its initial order directing a response. (Doc. No. 9.) The Court will also grant Petitioner's request to expand the record within the time period allowed to file a reply. *See* Rule 7 (Expanding the Record), Rules Governing Section 2254 Cases. The Court will not, however, grant Petitioner's motion to appoint counsel at this time because the issues presented by this action are not complex, and Petitioner has thus far been able to articulate her claims. *See Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006).

Petitioner also filed an application for leave to proceed *in forma pauperis*. (Doc. No. 14.) Petitioner already paid the \$5.00 filing fee for this action, and from the Court's perspective, there are no applicable fees that Petitioner would be required to pay to

continue pursuing this action. Therefore, the Court will deny the application without prejudice.

IT IS HEREBY ORDERED THAT:

1. Petitioner's motion to expand the record, appoint counsel, and file a reply (Doc. No. 13) is **GRANTED** in part and **DENIED** in part. Petitioner's motions to expand the record and file a reply are granted, and Petitioner's motion to appoint counsel is denied. Petitioner's reply, and any additional documents she wishes to submit in support of her petition, must be filed within **thirty days** of the date of this Order;

2. Petitioner's Application to Proceed in District Court without Prepaying Fees or Costs (Doc. No. 14) is **DENIED** without prejudice.

Dated: February 6, 2019

s/ Becky R. Thorson
BECKY R. THORSON
United States Magistrate Judge